



National Marine Fisheries Service Northwest Region **NEWS RELEASE**

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Fisheries Service Announces Penalties for Clam Crimes

Shellfish consumers can have more confidence in the safety of their clams with recent penalties assessed by the National Oceanic and Atmospheric Administration. A Las Vegas-based seafood brokerage firm charged with buying and reselling shellfish taken illegally from Washington State waters has agreed to terms of a settlement. It will pay \$25,000 in civil penalties and permanently cease conducting business as a shellfish dealer.

NOAA had charged the Nevada company, NDC Group, Inc., and its former president, Nichols P. DeCourville, with 61 counts of trafficking in illegally harvested geoduck clams. The company stopped doing business and filed for dissolution after it was charged. The Dec. 21 settlement, announced this week, permanently bars the company from operating as a seafood broker.

According to NOAA, some of the clams were harvested during a time in 1995 when state shellfish beds were closed because of paralytic shellfish poisoning (PSP), a serious human health threat. In addition, many of the clams were taken from areas next to sewer outfalls.

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(Clam Penalties 2-2-2)

"The actions of NDC Group and DeCourville put consumers' health at risk," said Niel Moeller, enforcement attorney for NOAA's Northwest regional office in Seattle. "Their complete disregard of state shellfish harvesting laws warrants a substantial penalty."

The charges against NDC Group and DeCourville stemmed from a joint investigation by NOAA Fisheries and Washington's Department of Fish and Wildlife into poaching of geoduck clams in 1995-1997. Some 33,000 pounds of clams, worth an estimated \$340,000 at retail, were taken illegally from Puget Sound during that time, mostly from around Bainbridge Island.

A half-dozen geoduck poachers actually harvested the clams and have pleaded guilty to related federal criminal charges. They were sentenced to serve prison terms of as much as 63 months and ordered to pay restitution to the state.

Their Washington state buyer, Jong Park, is a federal fugitive. The clams were sold through Park's Tacoma-based Ocean Live Fish Co., then shipped to NDC customers in 16 states from Alaska to Georgia, including Washington.

"This case illustrates the close working relationship between NOAA Fisheries and the Washington Department of Fish and Wildlife to protect the state's shellfish resources," said Tom Shuler, head of the agency's Office for Law Enforcement in Seattle.

DeCourville admitted the NOAA charges in a settlement reached earlier this year. He agreed to pay more than \$8,000 in civil penalties. DeCourville had previously pleaded guilty to related criminal charges of extortion and conspiracy to violate the Lacey Act, a federal law that forbids interstate commerce in illegally caught fish and shellfish. He is serving a 40-month sentence in a federal facility in California on those charges.

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